Remarks

Reconsideration of this Application is respectfully requested.

I. Status of the Claims

Upon entry of the foregoing amendment, claims 1-19 are pending in the application, with claims 1 and 2 being the independent claims. Claims 1-3, 7-13, and 15 are sought to be amended to more accurately represent what the Applicants' believe to be their invention. Support for the amendment to claims 1 and 2 to change "consisting of" to "comprising" can be found, *inter alia*, in the as-filed specification at page 4, lines 14-24 and at page 10, lines 10-14. Support for the amendment to claims 1 and 2 that the first layer "has an outer surface with a surface energy of at least 35 dynes" can be found, *inter alia*, in the as-filed specification at page 8, lines 4-6. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

II. Objections to the Claims

The Examiner has rejected claims 1-3 for the use of improper Markush language. (Office Action, page 2, lines 8-18).

Applicants have amended claims 1-3 to contain proper Markush language. Accordingly, Applicants respectfully request that the objection to claims 1-3 be withdrawn.

The Examiner has objected to claims 1 and 2 for containing a grammatical error and suggests changing "which" to "wherein the."

Applicants have amended claims 1 and 2 to contain the language "wherein the." Accordingly, Applicants respectfully request that the objection to claims 1 and 2 be withdrawn.

III. Rejection of Claims 1 and 14 Under 35 U.S.C. §§ 102(b)/103(a)

The Examiner has rejected claims 1 and 14 under 35 U.S.C. §§ 102(b)/103(a) as allegedly being anticipated by U.S. Patent No. 3,647,617 to Rieke *et al.* (hereinafter "Rieke"). (Office Action, page 3, lines 7-8). Applicants respectfully traverse the rejection.

Amended claim 1 recites a reflective film for adhesion to a construction material, wherein the reflective film comprises a layer of converter grade Aluminum foil having a thickness of between about 0.00025 mil and about 2 mil adhered to one surface of a polymer film, said polymer film comprising: a) a first outer portion that has an outer surface with a surface energy of at least 35 dynes and that is suitable for adhesion to the construction material, said first outer portion consisting of one or more layers of a first polymer selected from a group alone or blended with between 0 and 80% low density polyethylene or liner low density polyethylene having a melt index between 0.3 and 30 g/10 min and b) a second outer portion adhered to the layer of Aluminum foil and consisting of one or more layers of a second polymer selected from a group. Therefore, the reflective film must contain at least two polymer layers adhered to a layer of aluminum foil.

Rieke discloses a metal laminate that includes two metal layers, such as aluminum, bonded together with a single adhesive polymer layer (Abstract). Reike does not disclose a layer of aluminum foil adhered to a polymer film having at least two layers nor does Reike disclose a reflective film where the outer layer is a polymer.

The present invention comprises an outer layer with a surface energy of at least 35 dynes that makes the outer surface of the film capable of adhesion to a construction material, such as an oriented strand board, lumber, fibreboard or plastic. The metal laminate of Rieke does not include an outer polymer film layer that has a surface energy of at least 35 dynes, since the outer layers in Rieke are both metal.

Applicants submit that Rieke neither anticipates nor provides a reason why one of ordinary skill in the art would make a reflective film for adhesion to a construction material, wherein the reflective film comprises a layer of converter grade Aluminum foil adhered to one surface of a polymer film, said polymer film comprising a first outer portion that has an outer surface with a surface energy of at least 35 dynes and that is suitable for adhesion to the construction material and a second outer portion adhered to the layer of Aluminum foil.

Accordingly, Applicants respectfully request that the rejection of claims 1 and 14 under 35 U.S.C. §§ 102(b)/103(a) be withdrawn.

IV. Rejection of Claims 1 and 14 Under 35 U.S.C. §§ 102(b)/103(a)

The Examiner has rejected claims 1 and 14 under 35 U.S.C. §§ 102(b)/103(a) as allegedly being anticipated by U.S. Patent No. 6,500,556 to Morris *et al.* (hereinafter

"Morris"). (Office Action, page 5, lines 20-21). Applicants respectfully traverse the rejection.

Morris discloses a polymer adhesive useful as a tie layer between a metal foil, such as aluminum foil, and a polyethylene film (Abstract), which can be low density polyethylene (LDPE), linear low density polyethylene (LLDPE), or high density polyethylene (HDPE) and can be metallocene catalyzed (col. 2, lines 31-39). Morris does not disclose an aluminum/film laminate having an outer polymer surface having a surface energy of at least 35 dynes and capable of adhesion to a construction material.

Applicants submit that Morris neither anticipates nor provides a reason why one of ordinary skill in the art would make a reflective film for adhesion to a construction material, wherein the reflective film comprises a layer of converter grade Aluminum foil adhered to one surface of a polymer film, said polymer film comprising a first outer portion that has an outer surface with a surface energy of at least 35 dynes and that is suitable for adhesion to the construction material and a second outer portion adhered to the layer of Aluminum foil.

Accordingly, Applicants respectfully request that the rejection of claims 1 and 14 under 35 U.S.C. §§ 102(b)/103(a) be withdrawn.

V. Rejection of Claims 3-13 and 15-19 Under 35 U.S.C. § 103

The Examiner has rejected claims 3-13 and 15-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rieke or Morris in view of U.S. Patent Appl. Pub. No. 2002/0155308 A1 to Heffelfinger *et al.* (hereinafter "Heffelfinger"). (Office Action, page 9, lines 1-6). Applicants respectfully traverse the rejection.

As discussed above, neither Rieke nor Morris, when considered alone or in combination, provide a reason why one of ordinary skill in the art would make a reflective film for adhesion to a construction material, wherein the reflective film comprises a layer of converter grade Aluminum foil adhered to one surface of a polymer film, said polymer film comprising a first outer portion that has an outer surface with a surface energy of at least 35 dynes and that is suitable for adhesion to the construction material and a second outer portion adhered to the layer of Aluminum foil.

Heffelfinger does not cure the deficiencies of Rieke or Morris. Heffelfinger teaches a multilayer film having a core middle layer and at least one additional layer adjacent to the core layer (Abstract). Heffelfinger discloses that the film can include additives such as slip agents and antiblocking agents (page 2, paragraph [0026]). Furthermore, the disclosed film of Heffelfinger can be surface treated to increase its surface energy to insure that a coating layer will be strongly adherent thereto (page 3, paragraph [0033]). Heffelfinger discloses that the surface may have applied to them coating compositions and "the application may employ a suitable adhesive" (page 3, paragraph [0034]).

The present invention is directed to a reflective film that is capable of being laminated to construction materials without the use of adhesive (page 3, lines 2-3, of the as-filed specification). Applicants submit that the cited art, when considered alone or in combination, does not provide a reason why one of ordinary skill in the art would make a reflective film for adhesion to a construction material, wherein the reflective film comprises a layer of converter grade Aluminum foil adhered to one surface of a polymer film, said polymer film comprising a first outer portion that has an outer surface with a surface energy

of at least 35 dynes and that is suitable for adhesion to the construction material and a second outer portion adhered to the layer of Aluminum foil.

Accordingly, Applicants respectfully request that the rejection of claims 3-13 and 15-19 under 35 U.S.C. § 103(a) be withdrawn.

VI. Rejection of Claim 6 Under 35 U.S.C. § 103

The Examiner has rejected claim 6 under 35 U.S.C. § 103 as allegedly being unpatentable over Rieke or Morris in view of Heffelfinger and U.S. Patent No. 6,286,280 to Fahmy *et al.* (hereinafter "Fahmy"). (Office Action, page 16, lines 3-8). Applicants respectfully traverse the rejection.

As discussed above, Rieke, Morris, and Heffelfinger, when considered alone or in combination, do not provide a reason why one of ordinary skill in the art would make a reflective film for adhesion to a construction material, wherein the reflective film comprises a layer of converter grade Aluminum foil adhered to one surface of a polymer film, said polymer film comprising a first outer portion that has an outer surface with a surface energy of at least 35 dynes and that is suitable for adhesion to the construction material and a second outer portion adhered to the layer of Aluminum foil.

Fahmy does not cure the deficiencies of Rieke, Morris, or Heffelfinger. Fahmy discloses a first layer of polyolefin adhered to a major surface of a core layer, a metal foil adhered to the first layer of polyolefin, a second layer of a polyolefin adhered to the metal foil, and a layer of water resistant liner board adhered to the second layer of polyolefin (Abstract). Fahmy does not disclose at least two layers of polymer adhered to an aluminum

foil. Furthermore, Fahmy does not disclose an aluminum/film laminate having an outer polymer surface having a surface energy of at least 35 dynes and capable of adhesion to a construction material.

Applicants submit that the cited art, when considered alone or in combination, does not provide a reason why one of ordinary skill in the art would make a reflective film for adhesion to a construction material, wherein the reflective film comprises a layer of converter grade Aluminum foil adhered to one surface of a polymer film, said polymer film comprising a first outer portion that has an outer surface with a surface energy of at least 35 dynes and that is suitable for adhesion to the construction material and a second outer portion adhered to the layer of Aluminum foil.

Accordingly, Applicants respectfully request that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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